

EXHIBIT

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4 IN RE iPHONE)
5)
6 APPLICATION LITIGATION.) No. 5:11-MD-02250-LHK
7)
8 _____)

9 CONFIDENTIAL - ATTORNEYS' EYES ONLY

10 VIDEOTAPED DEPOSITION OF DR. MANUEL EGELE

11 Wednesday, January 9, 2013
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22 REPORTED BY:
23 MICHELLE L. HALL, RMR
24 JOB NO: 56856
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1 Other than that, as far as I know,
2 the operation of those APIs are identical
3 across all iOS versions.

4 Q. And am I correct that in every
5 version of iOS that has supported apps' ability
6 to access device location, the iOS would
7 surface a prompt that would alert the user that
8 the app was accessing location and require the
9 user to consent to that before the app could
10 access location?

11 A. That is correct.

12 Q. And are you aware of any instance in
13 which iOS has enabled an app to access a user's
14 location information without consenting to it
15 in this fashion?

16 MR. STAMPLEY: Objection.

17 A. I am aware of the possibility. I
18 cannot state that it actually happened because
19 I didn't observe it. But I believe the
20 CoreLocation framework would store its latest
21 obtained location information in a cache file,
22 which I believe could be accessed by
23 applications.

24 Q. What is that belief based on?

25 A. Based on an application that I was

1 analyzing in conducting my research, something
2 developed by Nicolas Seriot, that would
3 highlight all the information that can be
4 accessed by an application without raising user
5 awareness.

6 Q. Was that in particular iOS versions
7 or in all iOS versions?

8 A. As far as I know, this was not
9 particular to a specific iOS version.

10 Q. And which particular table in the
11 cache are you referring to?

12 A. As far as I understand, we are
13 talking about two different caches here, and I
14 don't know whether the cache file that contains
15 the last updated location was actually a
16 database file.

17 Q. And when you say the last updated
18 location, can you be more precise? What does
19 that mean?

20 A. I believe it's the -- every time the
21 CLLocation, or the CoreLocation framework,
22 obtains an update on location through whatever
23 means, that information is written to the cache
24 file and overrides the last states they're in.

25 Q. And are you aware of any instance of

1 an app accessing that cache file to obtain last
2 updated location when Location Services was off
3 on a device?

4 A. I am not aware of any application
5 access -- as I stated earlier, I am not aware
6 of any application that accesses that file.

7 Q. Are you aware of any instance in any
8 iOS version where a user's or device's location
9 information was sent to a third-party app when
10 Location Services was off?

11 A. Qualified under the location was
12 obtained through CoreLocation?

13 Q. I'm asking whether you're aware of
14 any instance in any iOS version where a user's
15 location information was sent to an application
16 when Location Services was off.

17 A. I'm not aware of a concrete instance
18 of an application for that use -- for that
19 case.

20 Q. Are you aware of any version of iOS
21 that would have allowed an application to
22 obtain a user's location information through an
23 API when Location Services was off?

24 A. Without splitting hairs, no. Other
25 than that, there is mechanisms where an

1 application could request a user's approximate
2 position based on the IP address that the
3 device currently has obtained through an API --
4 namely, the networking API -- and then relay
5 that information back to Apple, and that is
6 invariant of whether Location Services was on
7 or off.

8 Q. And that would be an API that
9 obtains information about the IP address of the
10 phone; correct?

11 A. That would be an API that obtained
12 information --

13 Q. Or the network that the phone is
14 communicating through?

15 A. That derives the location from the
16 IP address of the phone.

17 Q. The location wouldn't be delivered
18 to the developer in that instance but, rather,
19 an IP address from which they might be able to
20 derive that information; correct?

21 A. No. Basically, the application
22 would send a network request to a system that
23 allows to resolve the IP address the request is
24 coming from into a location. And, therefore,
25 the result of that request would be the

1 location, approximate location, of the device.

2 Q. And that -- that is not Apple's
3 system; correct?

4 A. Apple, as far as I know, does not
5 provide a system that allows that location
6 resolution based on IPs, yes.

7 Q. And are you aware of any instance in
8 any iOS version where any -- withdrawn.

9 Are you aware of any instance where
10 any iOS version transmitted a user's location
11 information to Apple when Location Services was
12 off?

13 A. I am aware of cases where that used
14 to happen.

15 Q. And can you describe what instances
16 you're aware of where Apple obtained a user's
17 location information when Location Services was
18 off.

19 A. It is my understanding that this
20 used to be the case when the user disabled
21 Location Services and, yet, a third-party
22 application would try to access their location,
23 and then the CoreLocation framework would go
24 and obtain an approximate location from Apple's
25 crowdsource location database to get an

1 approximate location off the phone at the time
2 the request happened.

3 Q. And what is that understanding based
4 on?

5 A. That is based on, again, e-mail
6 discussions that I've seen, and I think
7 Dr. Tribble elaborated on that when he was
8 giving his testimony in front of congressional
9 committee, I think it was, where this was the
10 topic.

11 Q. And aside from reading Dr. Tribble's
12 testimony and the e-mails that you reviewed at
13 Apple, have you performed any independent
14 analysis of whether that could have occurred in
15 any version of iOS?

16 A. I did not conduct any independent
17 experiments to verify that fact.

18 Q. Did you apply any methodology to
19 assess whether or not users' location
20 information may have been transmitted to Apple
21 in certain circumstances when Location Services
22 was off?

23 A. I have not, since I didn't have
24 reason to.

25 Q. Do you know what information